

Claims 2-6 have been objected to, and have been indicated as being allowable if rewritten in independent form. Claim 2 is amended herein to place it in independent form incorporating all of the limitations of its base claim.

Claims 9 and 10 are allowable.

New claims 13-18 are presented.

Favorable consideration of claims 2-18 is respectfully requested.

The Figures were objected to as not including Fig. 1 as mentioned in the specification. The specification has been amended to correct references to Figure 1 to refer to Figure 1A and 1B as necessary. It is respectfully requested that this amendment obviates the need to correct the figures, and that the objection be withdrawn.

Claim 12 was objected to under 35 U.S.C. §112 as being indefinite with respect to the phrase “concha stabilizer pad coupled to the receiver attachment”, in light of the figures and specification. Claim 12 is amended herein, in consideration of the Examiner’s helpful comments, to recite that concha stabilizer includes a “stabilizer support” and that the “concha stabilizer pad” is “coupled to the stabilizer support”. It is respectfully submitted that claim 12 distinctly claims and particularly points out the Applicants’ invention so as to be patentable to Applicants.

Claims 1, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by any of Koch, Jones, Schier, Neal, or Kobayashi. Claim 1 is canceled herein. Claims 11 and 12 are amended herein, and this rejection is respectfully traversed with respect to claims 11 and 12.

Claim 11, as amended, now recites similarly to claim 2 a headset including “an ear cushion dimensioned to cover a portion of the receiver,” and “a concha stabilizer coupled to the ear cushion and dimensioned to contact an upper concha”. The claimed headset is comfortably and stably maintained in a user’s ear by the concha stabilizer which contacts the upper concha between the antihelix and crux of the helix. The concha stabilizer is coupled to the receiver of the headset by an ear cushion that covers a portion of the receiver between the tragus and antitragus. The ear cushion provides a comfortable cushion for the receiver, and a means for stably coupling the concha stabilizer to the receiver.

None of the cited references disclose all of the elements of claim 11. None of the cited references discloses (or even suggests) an ear cushion that covers a portion of the receiver, and to which is coupled the concha stabilizer. At best the references disclose various structures that attach to the side or back of a transducer, and which provide no cushioning effect for the transducer.

Claim 12, depends from claim 11, and has been amended to more distinctly recite that the ear cushion covers the portion of the receiver facing the auditory meatus, and that the structure of the concha stabilizer as including a “stabilizer support coupled to the ear cushion and extending toward the upper concha”. None of the cited references discloses an ear cushion that covers the portion of the receiver facing the auditory meatus, and a stabilizer support extending from the ear cushion towards the upper concha.

It is respectfully submitted that claims 11-12 are allowable to the Applicants over the cited references.

Claims 2-6 were objected as being dependent upon a rejected base claim, and indicated as being allowable if rewritten independent form. Claim 1 is canceled herein, and claim 2 has been amended to include all of the limitations of

claim 1. Claims 3-6 remain dependent on claim 2. It is respectfully submitted that claims 2-6 are allowable to the Applicants over the cited references.

Claims 13-18 have been newly presented herein to provide the Applicants with a scope of claim coverage commensurate with their invention. Claims 13 and 14 depend from claim 2; claims 16-18 depend from new independent claim 15. The fee for the additional independent claim is included herewith. Support for claims 13-18 is found, for example, at pages 5-6, and Figs. 1-3. It is respectfully submitted that claims 13-18 are allowable over the cited references.

Favorable action is solicited.

Dated Jan 2, 1997

Respectfully submitted

Bundgardt, et al.

By: A. C. Smith 

Albert C. Smith  
Regis. No. 20,355  
Fenwick & West LLP  
2 Palo Alto Sq. Suite 600  
Palo Alto, CA 94306